

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X	
STATE OF NEW YORK, <i>et al.</i> ,	: Case No. 1:07-cv-10632-BSJ-DCF
Plaintiffs,	: :
-against-	: :
STEPHEN L. JOHNSON, <i>et al.</i> ,	: : Defendants. :
	X

PLEASE TAKE NOTICE that, upon the annexed declaration of movant, Andrew G. Frank, Assistant Attorney General in the Environmental Protection Bureau of the office of Andrew M. Cuomo, Attorney General of the State of New York, in support of this motion, and upon the declaration of K. Allen Brooks, as applicant for admission *pro hac vice*, and upon the certification of good standing of the Supreme Court of New Hampshire, the undersigned will move this Court before the Honorable Barbara S. Jones, United States District Judge, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, NY, 10007, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of said K. Allen Brooks, Assistant Attorney General of the State of New Hampshire and a member in good standing of the Bar of the State of New Hampshire, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel. Movant Andrew G. Frank will act as local counsel for the applicant.

U.S. DISTRICT COURT
FILED
SEP 05 2008
2008 SEP 05 PM 3:59
AO 25-6602374

Dated: New York, New York
September 5, 2008

A. G. F.

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
;
STATE OF NEW YORK, *et al.*,
;
Plaintiffs,
;
-against-
;
STEPHEN L. JOHNSON, *et al.*,
;
Defendants.
;
-----X

Case No. 1:07-cv-10632-BSJ-DCF

**DECLARATION OF ANDREW G. FRANK IN SUPPORT OF MOTION TO
ADMIT K. ALLEN BROOKS AS COUNSEL PRO HAC VICE**

Andrew G. Frank, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the United States District Court for the Southern District of New York. I was so admitted on February 1, 2000.
2. I am currently employed as an Assistant Attorney General of the Environmental Protection Bureau of the Office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for plaintiff State of New York in this action.
3. I make this declaration in support of the motion to admit K. Allen Brooks, an attorney admitted to practice in the State of New Hampshire, as counsel *pro hac vice* for plaintiff State of New Hampshire in this action.
4. As set forth in the annexed declaration of K. Allen Brooks and the exhibit thereto:
 - (i) K. Allen Brooks is a member in good standing of the Bar of the State of New Hampshire.

(ii) There are no pending disciplinary proceedings against K. Allen Brooks in any State or Federal Court.

5. I agree to act as local counsel to the applicant for admission *pro hac vice* during the pendency of this action. My address is: Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271. My telephone number is (212) 416-8271 and my fax number is (212) 416-6007. My e-mail address is andrew.frank@oag.state.ny.us.

6. The required fee of \$25.00 accompanies this motion in accordance with the Local Rules of this Court.

7. A proposed Order granting this motion is annexed hereto.

8. No previous application has been made for the relief sought in this motion.

WHEREFORE I respectfully request that K. Allen Brooks be admitted as counsel *pro hac vice* for plaintiff State of New Hampshire in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 5, 2008

A G R

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
STATE OF NEW YORK, *et al.*, :
:
Plaintiffs, : Case No. 1:07-cv-10632-BSJ-DCF
:
-against- :
:
STEPHEN L. JOHNSON, *et al.*, :
:
Defendants. :
:
-----X

**DECLARATION OF K. ALLEN BROOKS
IN SUPPORT OF MOTION TO BE ADMITTED PRO HAC VICE**

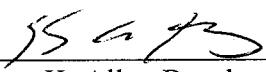
K. Allen Brooks, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the State of New Hampshire since October 26, 2004.
2. I am currently employed as an Assistant Attorney General in the State of New Hampshire Office of the Attorney General, where I have been continuously employed as such since November 2005.
3. Attached hereto as Exhibit A is a Certificate of Good Standing issued by the Supreme Court of New Hampshire, dated August 8, 2008, reflecting that I am currently a member in good standing of the Bar of the State of New Hampshire.
4. There are no pending disciplinary proceedings against me in any State or Federal Court.

5. Pursuant to the accompanying motion, I hereby request permission to appear as counsel *pro hac vice* for the State of New Hampshire in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is and shall remain local counsel in this action.

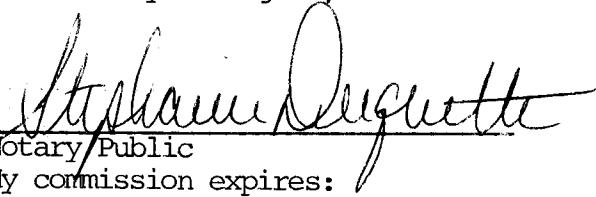
I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/29/08


K. Allen Brooks

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Subscribed and sworn to before me this 29th day of August, 2008.


Notary Public
My commission expires:

STEPHANIE DUQUETTE
Notary Public - New Hampshire
My Commission Expires September 17, 2008

UNITED STATES DISTRICT COURT

The State of New Hampshire
Supreme Court

1:07-cv-10632-BSJ-DCF

Be it Remembered,

That at the October
Session, 2004 term of the Supreme Court, held at
Concord, within and for The State of New Hampshire,
Kelvin Allen Brooks, Esquire, of
Portsmouth
in the County of Rockingham, New Hampshire
having been found qualified for admission to the bar,
in accordance with the Rules of Court, and having in
open Court, on the twenty-sixth day
of October 2004,
subscribed and taken the oath to support the Constitution
of the United States of America, the oath of allegiance
to the State of New Hampshire and the oath of office,
was admitted to practice as an attorney in the Courts
of this State and remains in good standing in so far as
the records of this office disclose.

In Testimony Whereof, I have hereunto
set my hand, and affixed the seal of said
Court, this 8th day of
August 2008

Eileen Forp Clerk.

O HAC VICE

le 1.3 (c) of the Local Rules
stricts of New York to admit
w Hampshire, as counsel pro
Court having considered

ooks is hereby admitted as
ction. Andrew G. Frank,

ice of Andrew M. Cuomo,
York, NY 10271 is designated

RABLE BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STATE OF NEW YORK, *et al.*, : Case No. 1:07-cv-10632-BSJ-DCF
Plaintiffs, :
-against- : CERTIFICATE OF SERVICE
STEPHEN L. JOHNSON, *et al.*, :
Defendants. :
-----X

I hereby certify that I caused to be served a copy of the Motion to Admit Counsel K.

Allen Brooks *Pro Hac Vice* in this action, along with the two accompanying declarations and the proposed order granting the motion, by United States First Class Mail this 5th day of September, 2008 on the following attorneys:

Counsel for Defendants

Sarah E. Light
Assistant United States Attorney
Office of the United States Attorney
for the Southern District of New York
86 Chambers Street, 3rd Floor
New York, New York 10007

Counsel for Plaintiffs

TERRY GODDARD,
ATTORNEY GENERAL OF THE STATE
OF ARIZONA
James T. Skardon
Assistant Attorney General
Arizona Office of the Attorney General
1275 West Washington Street
Phoenix, Arizona 85007

EDMUND G. BROWN JR.,
ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA
James R. Potter
Deputy Attorney General
California Office of the Attorney General
300 South Spring Street
Los Angeles, California 90013-1230

RICHARD BLUMENTHAL
ATTORNEY GENERAL OF THE STATE
OF CONNECTICUT
Mary K. Lenehan
Assistant Attorney General
Connecticut Office of the Attorney General
55 Elm Street, P.O. Box 120
Hartford, Connecticut 06141-0120

G. STEVEN ROWE
ATTORNEY GENERAL OF THE STATE
OF MAINE
Janet M. McClintock
Assistant Attorney General
Maine Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006

LORI SWANSON
ATTORNEY GENERAL OF THE STATE
OF MINNESOTA
Carla Heyl
Assistant Attorney General
Minnesota Office of the Attorney General
900 Bremer Tower
445 Minnesota Street
St. Paul, Minnesota 55101

ANNE MILGRAM
ATTORNEY GENERAL OF THE STATE
OF NEW JERSEY
Michael Schuit
Deputy Attorney General
New Jersey Office of the Attorney General
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 093
Trenton, New Jersey 08625-0093

LISA MADIGAN
ATTORNEY GENERAL OF THE STATE
OF ILLINOIS
Gerald T. Karr
Senior Assistant Attorney General
Illinois Attorney General's Office
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

MARTHA COAKLEY
ATTORNEY GENERAL OF THE
COMMONWEALTH OF
MASSACHUSETTS
I. Andrew Goldberg
Assistant Attorney General
Massachusetts Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

KELLY A. AYOTTE
ATTORNEY GENERAL OF THE STATE
OF NEW HAMPSHIRE
K. Allen Brooks
Assistant Attorney General
New Hampshire Office of the Attorney
General
33 Capitol Street
Concord, New Hampshire 03301-6397

SUSAN SHINKMAN
CHIEF COUNSEL, COMMONWEALTH
OF PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION
Robert A. Reiley
Assistant Counsel
Pennsylvania Department of Environmental
Protection
400 Market Street
Harrisburg, Pennsylvania 17105

PATRICK C. LYNCH,
ATTORNEY GENERAL OF
THE STATE OF RHODE ISLAND
Tricia K. Jedele
Special Assistant Attorney General
and Environmental Advocate
Rhode Island Office of the Attorney General
150 South Main Street
Providence, Rhode Island 02903

WILLIAM H. SORRELL
ATTORNEY GENERAL OF THE STATE
OF VERMONT
Kevin O. Leske
Assistant Attorney General
Vermont Office of Attorney General
109 State Street
Montpelier, Vermont 05609-1001

A G F

Andrew G. Frank